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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 LARON M. PRESTLEY, SR.,

No. CIV S-11-0072 CMK P

12 Plaintiff,

13 vs.

14 GEGORY J. AHERN, et al.,

ORDER

15 Defendants.
16 _____/

17 Plaintiff, a federal prisoner proceeding pro se, has filed a civil rights action
18 pursuant to 28 U.S.C. § 1331. Plaintiff has not filed a request to proceed in forma pauperis or
19 paid the filing fee.

20 The federal venue statute requires that a civil action, other than one based on
21 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
22 defendants reside in the same State, (2) a judicial district in which a substantial part of the events
23 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject
24 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
25 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

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1 In this case, the defendants are located and the claim arose in Alameda County,
2 which is in the Northern District of California. Therefore, plaintiff's claim should have been
3 filed in the United States District Court for the Northern District of California. In the interest of
4 justice, a federal court may transfer a complaint filed in the wrong district to the correct district.
5 See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

6 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
7 United States District Court for the Northern District of California.

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9 DATED: January 21, 2011

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11 **CRAIG M. KELLISON**
12 UNITED STATES MAGISTRATE JUDGE
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